

PROB 12C
(7/93)

**United States District Court
for the
Northern District of New York
Amended Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Edward Marshall Case Number: 1:03-CR-211-001

Name of Sentencing Judicial Officer: Honorable Richard Conway Casey (SD/NY)
Jurisdiction accepted in NDNY on 5/15/03. Case assigned to
Honorable Frederick J. Scullin, Jr.

Date of Original Sentence: September 17, 1998

Original Offense: Distribution of Narcotics (5 counts)

Original Sentence: 60 months imprisonment

Type of Supervision: Supervised Release Date Supervision Commenced: March 28, 2002

Asst. U.S. Attorney: Carlos A. Moreno Defense Attorney: Eugene Grenz

PETITIONING THE COURT

☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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005/007

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Petition for Warrant or Summons
for Offender Under Supervision

Name of Offender: Edward Marshall

Case Number: 1:03-CR-211-001

- 1 **Standard Condition: New Criminal Conduct:** On June 22, 2005, in Albany, New York, the offender was charged with Criminal Sale of a Narcotic Drug, a class B felony, Criminal Use of Drug Paraphernalia, a misdemeanor, and Unlawful Possession of Marijuana, a violation. **On June 2, 2006, the defendant was convicted at trial of Criminal Sale of a Narcotic Drug (2 counts), class B felonies. He was acquitted of the charge involving Criminal Use of Drug Paraphernalia. The charge involving Unlawful Possession of Marijuana was dismissed. Sentencing is scheduled for July 20, 2006.** The supporting evidence includes Court records, police records and police officer testimony.

On July 15, 2005, the offender admitted to the Probation Officer that he possessed marijuana on June 22, 2005 and that the marijuana was for his pregnant girlfriend. The supporting evidence includes Probation Officer testimony.

On July 15, 2005, the offender admitted to the Probation Officer that he used marijuana on July 4, 2005 while incarcerated. The supporting evidence includes a signed statement and Probation Officer testimony.


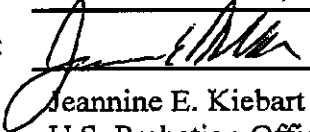
On December 7, 2005, the offender was charged with Criminal Sale of a Narcotic Drug, a felony. **On June 5, 2006, the defendant pled guilty to Attempted Criminal Sale of a Narcotic Drug, class C felony. Sentencing is scheduled for July 20, 2006.** The supporting evidence includes Court records, police records and police officer testimony.

- 2 **Standard Condition #7: Drug Use:** On December 4, 2002 and January 13, 2003, the offender submitted to a drug test which was positive for marijuana use. The supporting evidence includes laboratory reports. On July 15, 2005, the offender admitted to the Probation Officer that he used marijuana on July 4, 2005 while incarcerated. The supporting evidence includes a signed statement and Probation Officer testimony.
- 3 **Special Condition: Failure to Comply with Drug Testing:** On January 11, 2003 and July 2, 2003, Mr. Marshall failed to report for a urinalysis as directed. The supporting evidence includes Probation Officer testimony.
- 4 **Standard Condition: Failure to Report as Directed:** On November 17, 2005, Mr. Marshall failed to report for an office visit as directed. The supporting evidence includes Probation Officer testimony.

Respectfully submitted,

PAUL W. DeFELICE
Chief U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

Approved by:  Executed on: June 16, 2006
by: 
Alden F. Saddlemire Jeannine E. Kiebart
Senior U.S. Probation Officer U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Summons
☐ Other:

☒ The Issuance of a Warrant: This petition supercedes the previous violation petition executed by this Court on December 12, 2005. The aforementioned warrant has been lodged as a detainer. Therefore no additional warrant is needed. ~~It is further ordered that the warrant generated by this petition is returned to the court.~~

~~The District Court Clerk shall serve a copy of this order on the U.S. Probation Officer or any of the attached law enforcement agencies. Copies shall be served upon the arresting or enforcement personnel. Copies shall be served upon the arresting or enforcement personnel.~~


Signature of Judicial Officer

6/26/06
Date